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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/726,024	10/04/1996	DANIEL A. HENDERSON	317MH-23513	8599

7590 05/21/2002

Hill & Hunn LLP  
201 Main Street, Suite 1440  
FORT WORTH, TX 76102

EXAMINER

WEAVER, SCOTT LOUIS

ART UNIT PAPER NUMBER

2645

DATE MAILED: 05/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
08/726,024

Applicant(s)  
Henderson

Examiner  
Scott L. Weaver

Art Unit  
2645



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ONE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jan 24, 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 54-188 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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**Part III Notice of Non-Responsive Amendment**

1. The supplemental response filed on 1/24/2002 (paper #22) is not fully responsive to the prior Office action because of the following omission(s) or matter(s): the remarks of paper #22 indicate the originally presented claim 54 as well as each of the newly presented independent claims 57, 86, 123 and 157 are drawn to originally elected species 13 which via paper # 4 is made of record as being drawn to figure 13. The remarks do not indicate where proper support for the originally elected invention of claim 54 is provided in relation to the embodiment described with respect to figure 13, and more specifically with respect to the instant communication, the remarks do not provide indications of proper support for each of the newly presented inventions of each of claims 57, 86, 123, and 157 which is supposed to be supported with reference to species 13/figure 13. There is no mention of a telephone answering apparatus in relation to the description of figure 13 starting on page 65 of the description originally filed. There are also no remarks indicative of how each of the newly presented independent claims 57, 86, 123, and 157 would be considered as being drawn to the same invention of originally elected claim 54, it is not clear that any of the newly independent claims are drawn to the same invention as that of claim 54, nor is it clear that the newly independent claims are drawn to one invention that is the same as each of the others. Thus it is not clear which of the prior species of the invention the additional embodiments referred to in the remarks of paper #20 correspond to and/or why such additional embodiments as now presented are not restrict-able to other of the previously presented species or distinct among themselves. As was stated in the previous communication, the previous amendments (papers #6 and #16) presented the elected claims as corresponding to species XIII (figure 13) but the description supportive of figure 13 is not clearly supportive of the newly added claims. Nor are each of the distinct features therein presented via the originally elected claim 54. As such it is not clear if the amendment as presented is complete as submitted, however, the applicant should have the opportunity to complete the response as intended if this was merely overlooked. See 37 CFR 1.111.

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Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

**2. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

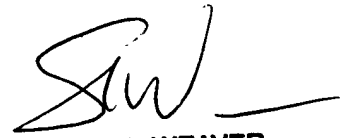
(703) 872-9314, (for formal communications intended for entry)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott L. Weaver whose telephone number is (703) 308-6974. The examiner can normally be reached on Monday through Friday from 8:00 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (703) 305-4895.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4750 or the TC2600 Customer service at 703-306-0377.

  
SCOTT L. WEAVER  
PRIMARY EXAMINER  
AA Unit 2645